

*West Virginia Department of Environmental Protection*

*Joe Manchin, III*  
Governor

*Division of Air Quality*

*Stephanie R. Timmermeyer*  
Cabinet Secretary

# Class II

## General Permit



for the  
Prevention and Control of Air Pollution in regard to the  
Construction, Modification, Relocation, Administrative Update and  
Operation of Coal Preparation Plants and Coal Handling Operations

**General Permit Number G10-C**  
**Effective Date: November 19, 2003**

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John A. Benedict, Director

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Date Signed

General Permit Registration Number: **G10-CKEYBOARD(Permit No.)**  
Registrant: **KEYBOARD(Company Name)**  
Facility Name: **KEYBOARD(Facility Name)**  
Registrant's Mailing Address: **KEYBOARD(Registrant Mailing Address)**

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*This Class II General Permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§22-5-1 et seq.) and 45CSR13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The registrant identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with the requirements, provisions, standards and conditions of Class II General Permit G10-C.*

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This Class II General Permit Registration will supersede and replace **KEYBOARD(Permit No.)**  
Facility Location: **KEYBOARD(City), KEYBOARD(County Name) County, West Virginia**  
Mailing Address: **KEYBOARD(Facility Mailing Address if different from Registrant Mailing Address)**

Facility Information:

SIC Codes: **KEYBOARD(Primary; Secondary; Tertiary)**

Facility ID#: **KEYBOARD(ID#)**

Subject to NSPS - Subpart Y: **KEYBOARD(Yes or No)**

Maximum Raw Coal Process Design Capacity: **KEYBOARD(Maximum Hourly Production Rate)** Tons/hr

Maximum Raw Coal Yearly Throughput: **KEYBOARD(Maximum Yearly Production Rate)** Tons/yr

Potential to Emit (PTE): **KEYBOARD(Potential to Emit)** Tons/yr (Controlled PM Point Source Emissions

UTM Coordinates: **KEYBOARD(km)** Easting • **KEYBOARD(km)** Northing • Zone **KEYBOARD(17 or 18)**

*Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.*

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*Compliant registration under this Class II General Permit satisfies the permitting requirements of 45CSR13, 45CSR5 and 45CSR16.*

In accordance with the information filed in General Permit Registration Application G10-C(Permit #), the following transfer rates shall not be exceeded, and the following methods of control shall be installed, maintained, and operated so as to minimize particulate matter (PM) emissions:

Equipment ID No.	Description	Maximum Capacity		Control Equipment
		TPH	TPY x 10 <sup>6</sup>	

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## **1.0. General Conditions**

### **1.1. Purpose**

The purpose of this Class II General Permit is to authorize the construction, modification, relocation, administrative update and operation of coal handling operations and coal preparation plants through a general permit registration process. The requirements, provisions, standards and conditions of this Class II General Permit address the prevention and control of particulate matter (PM) emissions from eligible coal handling operations and coal preparation plants while ensuring compliance with existing air quality regulations.

### **1.2. Authority**

This Class II General Permit is issued in accordance with West Virginia air pollution control law W.Va. Code §§22-5-1. et seq. and the following Legislative Rules promulgated thereunder:

- 1.2.1. 45CSR13 - *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation*;
- 1.2.2. 45CSR5 - *To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants and Coal Handling Operations*; and
- 1.2.3. 45CSR16 - *Standards of Performance for Stationary Sources*. 45CSR16 incorporates by reference 40 C.F.R. 60, Subpart Y - *Standards of Performance for Coal Preparation Plants*.

### **1.3. Eligibility**

All coal handling operations and coal preparation plants having a Standard Industrial Classification (SIC) code of 1221, 1222 or 4449 (including area sources) are eligible for this Class II General Permit registration except for:

- 1.3.1. Any coal handling operation or coal preparation plant with a raw coal process design capacity (input) of more than 2,500 tons per hour or more than 21,900,000 tons per year (General Permit throughput eligibility limit);
- 1.3.2. Any coal handling operation or coal preparation plant which is a major source as defined in 45CSR14 or 45CSR30 (General Permit emission eligibility limit);
- 1.3.3. Any coal handling operation or coal preparation plant, facility or equipment that is subject to the requirements of 45CSR2, 45CSR3, 45CSR7, 45CSR14 or 45CSR19;
- 1.3.4. Any coal handling operation or coal preparation plant which will require an individual permit review process and/or individual permit provisions to address the emission of a regulated pollutant other than particulate matter or to incorporate regulatory requirements other than those established by 45CSR5, 45CSR13, 45CSR16 and the New Source Performance Standards of 40 C.F.R. 60, Subpart Y;
- 1.3.5. Any coal handling operation or coal preparation plant which incorporates a thermal dryer or an air table;
- 1.3.6. Any underground or surface mining operation (except coal handling operations or coal preparation plants situated at or near a surface or underground mine operation);



- 1.3.7. Any coal handling operation or coal preparation plant which incorporates a high-wall truck or conveyor dump where raw coal is discharged unenclosed (without a dump bin and stacking tube or full enclosure) from a conveyor, endloader, truck or other transport device over a high-wall having a maximum vertical elevation differential between the drop point and the top of the collected material below (process drop height) in excess of 20 feet;
- 1.3.8. Any coal handling operation or coal preparation plant located in or which may significantly impact the area of Brooke County west of State Route 2, north of an extension of the southern boundary of Steubenville Township in Jefferson County, Ohio and south of the Market Street Bridge;
- 1.3.9. Any coal handling operation or coal preparation plant located within the boundaries of or which may significantly impact the Weirton nonattainment area; or
- 1.3.10. Any coal handling operation or coal preparation plant located in or which may significantly impact an area which has been determined to be a PM<sub>10</sub> maintenance or nonattainment area.

#### **1.4. Term and Renewal**

- 1.4.1. This Class II General Permit supercedes and replaces previously issued General Permit G10-B. This Class II General Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13, 45CSR5 or any other applicable legislative rule;
- 1.4.2. General permit registration granted by the Secretary shall remain valid, continuous and in effect unless it is suspended or revoked by the Secretary or this Class II General Permit is subject to action or change as set forth in Section 1.4.1. above; and
- 1.4.3. The Secretary shall review and may renew, reissue or revise this Class II General Permit for cause. The Secretary shall define the terms and conditions under which existing general permit registrations will be eligible for registration under a renewed, reissued or revised general permit and provide written notification to all general permit registrants (or applicants). This notification shall also describe the registrant's (or applicant's) duty or required action and may include a request for any additional information that may be required by any proposed General Permit renewal, reissuance or revision. All General Permit Registrants covered under General Permit G10-B shall be covered under this Class II General Permit.

#### **1.5. Duty to Comply**

- 1.5.1. The registered facility shall be constructed and operated in accordance with the information filed in the Class II General Permit Registration Application and any amendments thereto. The Secretary may suspend or revoke a registration if the plans and specifications upon which the approval was based are not adhered to;
- 1.5.2. The registrant must comply with all conditions of this Class II General Permit. Any General Permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 1.5.3. Violations of any of the conditions contained in this Class II General Permit, or incorporated herein by reference, may subject the registrant to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;





- 1.5.4. Registration under this Class II General Permit does not relieve the registrant herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e., local, state, and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility registered under this Class II General Permit.

**1.6. Duty to Provide Information**

The registrant shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the Class II General Permit registration or to determine compliance with the Class II General Permit registration. Upon request, the registrant shall also furnish to the Secretary copies of records required to be kept by the registrant. For information claimed to be confidential, the registrant shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the registrant shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

**1.7. Duty to Supplement and Correct Information**

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any registration application, the registrant shall promptly submit to the Secretary such supplemental facts or corrected information.

**1.8. Registration Actions**

- 1.8.1. The Class II General Permit registration may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the registrant for a registration modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any General Permit condition; and
- 1.8.2. The Class II General Permit registration is transferable in accordance with the requirements of 45CSR13.

**1.9. Administrative Registration Update**

The registrant may request an administrative general permit registration update as defined in and according to the procedures specified in 45CSR13.

**1.10. Inspection and Entry**

The registrant shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- 1.10.1. At all reasonable times (including all times in which the facility is in operation) enter upon the premises where a registered source is located or emissions related activity is conducted, or where records must be kept under the conditions of this Class II General Permit;
- 1.10.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Class II General Permit;
- 1.10.3. Inspect at reasonable times (including all times in which the facility is in operation) any facility equipment (including monitoring and air pollution Control equipment), practice or operation regulated or required under this Class II General Permit; and

- 1.10.4. Sample or monitor at reasonable times substances or parameters to determine compliance with the General Permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

## **1.11. Emergency**

- 1.11.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the General Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation or operator error;
- 1.11.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 1.11.3 are met.
- 1.11.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1.11.3.a. An emergency occurred and that the registrant can identify the cause(s) of the emergency;
  - 1.11.3.b. The registered facility was at the time being properly operated under the terms and conditions of this Class II General Permit;
  - 1.11.3.c. During the period of the emergency the registrant took all reasonable steps to minimize levels of emissions that exceeded the emission limitations or other requirements in this Class II General Permit; and
  - 1.11.3.d. The registrant submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- 1.11.4. In any enforcement proceeding, the registrant has the burden of proof to establish the occurrence of an emergency.
- 1.11.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

## **1.12. Need to Halt or Reduce Activity not a Defense**

- 1.12.1. It shall not be a defense for a registrant in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Class II General Permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations; and



- 1.12.2. In the event the registrant should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by the Class II General Permit registration, the registrant shall notify the Secretary in writing within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

### **1.13. Property Rights**

This Class II General Permit does not convey any property rights of any sort or any exclusive privilege.

### **1.14. Severability**

The provisions of this Class II General Permit are severable. If any provision of this Class II General Permit, or the application of any provision of this Class II General Permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining Class II General Permit terms and conditions or their application to other circumstances shall remain in full force and effect.

### **1.15 Notification Requirements**

- 1.15.1. The registrant shall notify the Secretary in writing within fifteen (15) calendar days of the commencement of the construction, modification or relocation activities authorized under the Class II General Permit registration;
- 1.15.2. The registrant shall notify the Secretary in writing at least fifteen (15) calendar days prior to actual startup of the operations authorized under the Class II General Permit registration.

## **2.0. Specific Requirements**

### **2.1. Siting Criteria**

- 2.1.1. All persons submitting a Class II General Permit Registration Application to construct, modify or relocate a coal handling operation or coal preparation plant shall be subject to the following siting criteria:

No person shall construct, locate or relocate any facility, affected facility or stockpile operation within three hundred (300) feet of any occupied dwelling or business, public building, school, church, community, institutional building or public park or within one hundred (100) feet of a cemetery. An owner of an occupied dwelling or business may elect to wave the three hundred (300) foot siting criteria;

- 2.1.2. Any person submitting a Class II General Permit Registration Application to operate a coal handling operation or coal preparation plant for which an individual permit has been issued under the provisions of the West Virginia Surface Coal Mining and Reclamation Act, WV. Code §22-3-1. et seq., as amended, shall not be subject to the siting criteria of this section; and
- 2.1.3. Any person proposing to construct, modify or relocate a coal handling operation or coal preparation plant within three hundred (300) feet of any occupied dwelling or business, public building, school, church, community, institutional building or public park may elect to obtain an individual permit pursuant to 45CSR13.

### **2.2. New Source Performance Standards**

All eligible coal handling operations or coal preparation plants with an affected facility subject to New Source Performance Standards (NSPS) 45CSR16 & 40 C.F.R. 60, Subpart Y are considered area sources (or deferred Title V sources) subject to 45CSR30. Area sources are subject to the Certified Emission Statement requirements and related fees. Class II General Permit registration actions involving the construction or modification of an affected facility are subject to the additional NSPS General Permit Registration Fee and the Performance Tests, Methods, Procedures and Reports set forth in Section 2.4.2.

### **2.3. Limitations and Standards**

- 2.3.1. Maximum Raw Coal Throughput Limitation. The maximum throughput (tons per hour input) of raw coal to be handled or processed by any registered coal handling operation or coal preparation plant shall not exceed the Maximum Raw Coal Throughput Limitation (average tons per hour input measured by the tons of raw coal processed divided by the total hours of operation in a 24 hour calendar day) recorded with the registrant's Class II General Permit registration without effecting a modification.
- 2.3.2. Maximum Raw Coal Yearly Throughput Limitation. The maximum yearly throughput of raw coal handled or processed by any registered coal handling operation or coal preparation plant shall not exceed the Maximum Raw Coal Yearly Throughput (tons per year input) recorded with the registrant's Class II General Permit registration without effecting a modification.
- 2.3.3. Limitation for Particulate Matter
- 2.3.3.a. The registrant shall not cause, allow or permit the emission of particulate matter from a registered coal handling operation or coal processing plant which exceeds the potential to

emit (pounds per hour and tons per year) recorded with the registrant's Class II General Permit registration without effecting a modification;

2.3.3.b. The registrant shall not cause, allow or permit emission of particulate matter into the open air from any stack or operation which exhibits 20 percent opacity or greater; and

2.3.3.c. The registrant shall not cause, allow or permit emission of particulate matter into the open air from any fugitive dust control system which exhibits 20 percent opacity or greater.

2.3.4. Minimization of Fugitive Emissions, Methods and Required Systems

2.3.4.a. The registrant shall not cause, allow or permit a coal handling operation or coal preparation plant to operate that is not equipped with a fugitive dust control system(s). Such system(s) shall be operated and maintained in such a manner as to effectively minimize the emission of particulate matter into the open air;

2.3.4.b. The registrant shall maintain fugitive dust control of the premises and owned, leased or controlled haulroads and access roads by paving, utilization of a water truck and/or other suitable measures. Good operating methods, practices and general maintenance shall be observed in relation to stockpiling, truck, railcar or barge loading, coal grinding, breaking and screening to effectively minimize the emission of particulate matter;

2.3.4.c. To maintain effective fugitive dust control of the premises and minimize the emission of particulate matter, fugitive dust generation and atmospheric entrainment of particulate matter, the registrant shall properly install, operate and maintain a fugitive dust control system(s) designed in accordance with good engineering practices and observe and employ good operating methods, practices and general maintenance. Such fugitive dust control system(s) shall be installed, equipped and operated according to the emissions control equipment and fugitive dust control system design data proposed in the submitted Registration Application;

2.3.4.d. Emissions control equipment and fugitive dust control system design data proposed and submitted in a Registration Application shall follow and adhere to the following requirements for fugitive dust control systems, methods, practices and general maintenance. These control system requirements represent the minimum level of controls required of Class II General Permit registrants.

2.3.4.d.i. Fugitive Dust Control of Premises: The registrant shall adequately maintain and operate on-site: (1) a water truck, or (2) a fixed system of water sprays, or (3) a combination of a water truck and a fixed system of water sprays to minimize the emission of particulate matter generated from access roads, haulroads, stockpiles and work areas. Any fixed water spray system shall be no less effective than a water truck in minimizing fugitive particulate emissions from the area under control. The water truck and/or fixed water spray system shall be operated at all times when fugitive particulate emissions from access roads, haulroads, stockpiles and work areas are generated as a result of vehicular traffic, operational activity or wind. All water trucks and fixed water sprays shall be equipped with a pump and spraybars to apply water or a mixture of water and an environmentally

acceptable dust control additive (solution) to access roads, haulroads, stockpiles and work areas where mobile equipment is used. Spraybars shall be equipped with commercially available spray nozzles of sufficient size and number so as to provide adequate coverage to the area being treated. The pump and piping system used to deliver the water or solution shall be of sufficient size and capacity to deliver an adequate quantity of water or solution to the spray nozzles at a sufficient pressure to provide an effective spray;

- 2.3.4.d.ii. Haulroad Maintenance: All haulroads, access roads, stockpile and work areas shall be kept clean and in good condition by replacing base material and/or grading as required;
- 2.3.4.d.iii. Vehicular Tracking: If tracking of solids by vehicular traffic from access and/or haulroads onto any public road or highway occurs and generates or has the potential to generate fugitive particulate emissions, the registrant shall properly operate and maintain an underbody truck wash, rumble strips or employ other suitable measures to maintain effective fugitive dust control of the premises and minimize the emission of particulate matter;
- 2.3.4.d.iv. Transfer Points: All transfer points shall at least be partially enclosed so as to effectively minimize the emission of particulate matter;
- 2.3.4.d.v. Crushers and Breakers: All crushers and rotary breakers shall be either: (1) fully enclosed; or (2) partially enclosed and fitted with effective water sprays to minimize the emission of particulate matter. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions;
- 2.3.4.d.vi. Screens: All screens shall be either: (1) fully enclosed; or (2) partially enclosed and fitted with effective water sprays to minimize the emission of particulate matter. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions;
- 2.3.4.d.vii. Load-outs: All railcar, barge and truck load-outs shall be equipped with a device and/or employ a specific operating method which minimizes drop height during load-out in order to minimize the emission of particulate matter;
- 2.3.4.d.viii. Stockpile Loading: All loading of stockpiles shall: (1) be accomplished with a device and/or employ a specific operating method which minimizes drop height during load-in; or (2) utilize a stacking tube to effectively minimize the emission of particulate matter. All ports shall remain covered at all times with the exception of the discharging port to ensure minimization of fugitive particulate emissions;
- 2.3.4.d.ix. Dump Bins: All dump bins which are fed by conveyor, end-loader, truck or other transport device shall be fitted with a three-sided roofed enclosure and

effective water sprays. Any dump bin which is fed from the top shall be fitted with a four sided enclosure, effective water sprays and shall not be required to have a roof. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions;

2.3.4.d.x. High-wall Truck and Conveyor Dumps: All high-wall truck and conveyor dumps with a maximum vertical elevation differential between the discharge of the dump bin and the top of the collected material below (process drop height) greater than 20 feet shall incorporate a stacking tube or full enclosure. The stacking tube or full enclosure shall be properly designed, functional and operated in such a manner to minimize drop height while in operation. All ports shall remain covered at all times with the exception of the discharging port to ensure minimization of fugitive particulate emissions; and

2.3.4.e. The registrant shall properly install, operate and maintain designed winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain effective and functional, to the maximum extent practicable, during winter months and cold weather. At all times, including periods of cold weather, the registrant shall comply with the requirements, provisions, standards and conditions of this Class II General Permit, any other permit or applicable statutory or regulatory requirement.

2.3.5. **Maintenance of Air Pollution Control Equipment.**

All air pollution control equipment, water trucks, winterizing systems, baghouses or fugitive dust control systems shall be maintained regularly in accordance with recommendations of the manufacturer. If no such recommendations are available, such equipment shall be properly maintained to ensure effective and proper operation of the equipment and/or systems;

2.3.6. **Odor.**

2.3.6.a. No person shall cause, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.

2.3.6.b. For the purposes of 45CSR4, the registrant shall maintain a record of all odor complaints received. Such record shall contain an assessment of the validity of the complaints as well as any corrective actions taken.

2.3.7. **Open burning.**

The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR6.

2.3.8. **Open burning exemptions.**

The exemptions listed in 45CSR6 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.

2.3.9. **Asbestos.**



The registrant is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The registrant must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the registrant is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). A copy of this notice is required to be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health.

**2.3.10. Permanent shutdown.**

A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All General Permits may be modified or revoked and/or reapplication or application for new General Permits may be required for any source determined to be permanently shutdown.

**2.4. Testing Requirements**

At the time a registered coal handling operation or coal preparation plant is alleged to be in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests as the Secretary may specify shall be conducted to determine such compliance. The registrant may also be required by the Secretary to collect, report and maintain additional data on the operation and compliance of any registered coal preparation plant or coal handling operation.

**2.4.1. Stack testing.**

At such reasonable times as the Secretary may designate, the owner or operator of a coal preparation plant or coal handling operation may be required to conduct or have conducted stack tests to determine the dust loading in exhaust gases and mass emission rates of particulate matter. All tests to determine compliance with exhaust gas dust concentrations and particulate matter mass emission rates shall be conducted in accordance with Methods 1-5 of 40 CFR Part 60, Appendix A provided that all compliance tests must consist of not less than three (3) test runs, test run duration shall not be less than sixty (60) minutes, and not less than thirty (30) standard cubic feet of exhaust gas must be sampled during each test run. Should the Secretary exercise his option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment such as scaffolding, railings, ladders, etc., to comply with generally accepted good safety practices.

2.4.1.a. The Secretary may approve or specify additional testing or alternative testing to the test methods specified above for demonstrating compliance with 40 C.F.R. Parts 60, 61 and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.

2.4.1.b. The Secretary may approve or specify additional testing or alternative testing to the test methods specified above for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 2.4.1.a above.

2.4.1.c. All periodic tests to determine mass emission limits or air pollutant concentrations in, discharge stacks and such other tests as specified by the Secretary shall be conducted in

accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the registrant shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

**2.4.2. Performance Tests, Methods, Procedures and Reports.**

Any Class II General Permit registration action involving the construction or modification of an affected facility subject to NSPS shall be subject to the following performance tests, methods and procedures:

- 2.4.2.a. Within 60 days after achieving the maximum production rate at which an registered facility will be operated, but not later than 180 days after initial startup of such facility, the registrant shall conduct performance test(s) to determine compliance with opacity standards set forth in Section 2.3.3 and furnish a written report of the results of such test(s) to the Secretary (40 C.F.R. 60.8(a) & 40 C.F.R. 60.93(b)); and
- 2.4.2.b. When conducting required performance tests or demonstrating compliance with opacity standards for affected facilities, the registrant shall use the procedures and test methods of Reference Method 9 in Appendix A of 40 C.F.R. 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (thirty (30) six (6)-minute averages) for the performance test or any other set of observations including sources of fugitive emissions (40 C.F.R. 60.11(b) & 40 C.F.R. 60.93(b)(2)).

## **2.5. Recordkeeping Requirements**

**2.5.1. Records, Operation and Compliance.**

- 2.5.1.a. For the purpose of determining compliance with the Maximum Raw Coal Throughput Limitation and Maximum Raw Coal Yearly Throughput Limitation, a person designated by a Responsible Official or Authorized Representative shall maintain daily records of raw coal throughput and hours of operation utilizing copies of Attachment A - Daily Raw Coal Throughput and Hours of Operation (or a similar form containing the same information);
- 2.5.1.b. Compliance with the Maximum Raw Coal Yearly Throughput Limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the tonnage (input) of raw coal handled or processed at any given time for the previous twelve (12) consecutive calendar months;
- 2.5.1.c. Daily records of raw coal throughput and hours of operation shall be retained on-site by the registrant for at least five (5) years. Certified records, signed by a Responsible Official or Authorized Representative, shall be made available to the Secretary or a duly authorized representative upon request; and
- 2.5.1.d. The daily records required by this section may be kept on a similar form to Attachment A in electronic format. The document(s) shall be printed and certified by a Responsible Official or Authorized Representative upon request.

**2.5.2. Monitoring information.**

The registrant shall keep records of monitoring information that include the following:

2.5.2.a. The date, place as defined in this Class II General Permit and time of sampling or measurements;

2.5.2.b. The date(s) analyses were performed;

2.5.2.c. The company or entity that performed the analyses;

2.5.2.d. The analytical techniques or methods used;

2.5.2.e. The results of the analyses; and

2.5.2.f. The operating conditions existing at the time of sampling or measurement.

**2.5.3. Record of Maintenance of Air Pollution Control Equipment.**

2.5.3.a. The registrant shall maintain maintenance records relating to failure and/or repair of air pollution control devices and fugitive dust control systems utilizing copies of Attachment B - Equipment Maintenance Record (or a similar form containing the same information). In the event of air pollution control equipment, fugitive dust control system or system failure, these records shall document the registrant's effort to maintain proper and effective operation of such equipment and/or systems.

2.5.3.b. Air pollution control equipment maintenance records shall be retained on-site for a period of five (5) years. Certified records, signed by a Responsible Official or an Authorized Representative shall be made available to the Secretary or a duly authorized representative upon request; and

2.5.3.c. Maintenance records required by this section may be kept on a similar form to Attachment B in electronic format. The document(s) shall be printed and certified by a Responsible Official or Authorized Representative upon request.

**2.5.4. Retention of records.**

The registrant shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the General Permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

## **2.6. Reporting Requirements**

**2.6.1. Compliance Testing.**

The owner or operator of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in 40 C.F.R. 60.252.

**2.6.2. Certification of Information.**

Any application form, report, or compliance certification required by this Class II General Permit to be submitted to the WVDEP and/or USEPA shall contain a certification by the responsible official or authorized representative that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

2.6.3. **Confidential Information.**

A registrant may request confidential treatment for the submission of reporting required under 45CSR13 pursuant to the limitations and procedures of W.Va. Code §22-5-10 and 45CSR31.

2.6.4. **Correspondence.**

All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of WVDEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

**If to the DEP:**

Director  
WVDEP  
Division of Air Quality  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304  
  
Phone: 304/926-0475  
FAX: 304/926-0478

**If to the US EPA:**

Associate Director  
Office of Enforcement and Permits Review  
(3AP12)  
U. S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

**2.6.5. Certified Emissions Statement.**

The registrant shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the WVDEP - Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or a duly authorized representative.

**2.6.6. Emissions Inventory.**

At such time(s) as the Secretary may designate, the registrant shall prepare and submit an emission inventory for the previous calendar year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the WVDEP - Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a submittal frequency other than on an annual basis.

**ATTACHMENT A**  
**DAILY RAW COAL THROUGHPUT AND HOURS OF OPERATION**

Plant Name: \_\_\_\_\_  
Registration No.: \_\_\_\_\_  
Month \_\_\_\_\_ Year \_\_\_\_\_

Day	Raw Coal Throughput (tons)	Hours of Operation	Initials
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
<b>TOTAL</b>			

Note: After entering the required information, each entry shall be initialed by a person designated by a Responsible Official.

**Rolling Yearly Total Raw Coal Throughput** \_\_\_\_\_ **tons**  
**Rolling Yearly Total Hours of Operation** \_\_\_\_\_ **hours**

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative when submitted or upon request of the Secretary or an authorized representative. This record shall be maintained on-site for a period of five (5) years from the date of certification. It shall be made available to the Secretary or an authorized representative upon request.

## **CLASS II GENERAL PERMIT CERTIFICATION OF DATA ACCURACY**

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President Secretary, Treasurer, General Partner, General Manager, a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the Class II General Permit Registration Application. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this Class II General Permit.

*I, the undersigned, hereby certify that all information contained in **ATTACHMENT A**, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

### **Signature**

(please use blue ink) Responsible Official or Authorized Representative \_\_\_\_\_ Date \_\_\_\_\_

### **Name & Title**

(please print or type) Name \_\_\_\_\_ Title \_\_\_\_\_

**Registrant's Name** \_\_\_\_\_

**Telephone #** \_\_\_\_\_ **Fax #** \_\_\_\_\_

## **ATTACHMENT B**

# **MAINTENANCE RECORD**

Plant Name: \_\_\_\_\_

Registration No.: \_\_\_\_\_

Equipment Description: \_\_\_\_\_

[illegible]

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative when submitted or upon request of the Secretary or an authorized representative. This record shall be maintained on-site for a period of five (5) years from the date of certification. It shall be made available to the Secretary or an authorized representative upon request.



## **CLASS II GENERAL PERMIT CERTIFICATION OF DATA ACCURACY**

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President Secretary, Treasurer, General Partner, General Manager, a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the Class II General Permit Registration Application. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this Class II General Permit.

*I, the undersigned, hereby certify that all information contained in **ATTACHMENT B**, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

**Signature**

(please use blue ink) Responsible Official or Authorized Representative \_\_\_\_\_

Date \_\_\_\_\_

**Name & Title**

(please print or type)

Name \_\_\_\_\_

Title \_\_\_\_\_

**Registrant's Name** \_\_\_\_\_

**Telephone #** \_\_\_\_\_

**Fax #** \_\_\_\_\_